



State of Louisiana
Cemetery Response Task Force
P.O. Box 94005
Baton Rouge
70804-9005

Ryan M. Seidemann, J.D., Ph.D., R.P.A.
Chairman

December 3, 2021

Hon. Bob McAnelly
Chairman
Louisiana Ethics Administration Program
P.O. Box 4368
Baton Rouge, LA 70821

Re: Financial Disclosure Requirements
La R.S. 42:1124.2.1
Statewide Cemetery Response Task Force

Dear Mr. McAnelly:

I write to you today to seek a formal Ethics Administration opinion. The Louisiana Statewide Cemetery Response Task Force ("CRTF") is uncertain about the application of reporting requirements under La R.S. 42:1124.1. Though the CRTF believes that the answer to this question, based upon the law, facts, and Ethics Board Docket No. 2008-039, is in the negative, the CRTF formally requests a ruling from the Ethics Administration as to its members' and designees' reporting requirements under La R.S. 42:1124.2.1.

The CRTF understands that determinations of reporting requirements are made by the Ethics Administration on a case-by-case basis, based upon the unique functions, duties, and budgets of each board, commission, and council in the State. Accordingly, we hereby submit the following summary of the functions and duties of the CRTF.

The CRTF was created by Act 713 in 2018 (La. R.S. 29:726.4). The CRTF was established to "assess response and recovery needs related to cemeteries during any emergency declaration by the state or any parish thereof" (La. R.S. 29:726.4(A)). The CRTF is activated "at the request of the director of the Governor's Office of Homeland Security and Emergency Preparedness when the state or a parish has issued an emergency declaration and there is evidence that damage has occurred to a cemetery" (La. R.S. 29:726(4)(D)). The specific duties of the CRTF are provided for in La R.S. 29:726.4(F), to wit:

The Statewide Cemetery Response Task Force shall have the following powers and duties:

- (1) Determine whether response and recovery efforts related to cemeteries is necessary.
- (2) When a response is necessary, make recommendations for the nature of the response.

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- (3) Provide subject matter expertise as requested during the response.
- (4) May direct available parish and local resources for the response.
- (5) Coordinate with any relevant federal agencies on cemetery impacts response and recovery.
- (6) Coordinate with any impacted parish or local governments on the cemetery impacts response and recovery.
- (7) Coordinate with any non-governmental organizations, funeral directors, monument and vault companies, churches, cemetery authorities, associations, and vendors involved in the cemetery impacts response and recovery.
- (8) Advise the director of the Governor's Office of Homeland Security and Emergency Preparedness of any public health or other concerns related to disinterred remains for which the person responsible for disposition cannot be located.

Part of the reason for the confusion that has arisen regarding the La R.S. 42:1124.2.1 reporting requirements is the \$10,000.00 threshold contained in that statute that determines whether reporting is necessary. The CRTF does not directly maintain, or maintain the authority for, expenditures, funds, or debts and thus does not appear to meet even the threshold for minimal reporting.

Although the CRTF works with the Federal Emergency Management Agency ("FEMA") in the administration of its Individual Assistance and Public Assistance programs, those funds are solely controlled by FEMA. Individual Assistance programs, specifically the funeral assistance program, have been used to accomplish restoration and reinterment work to damaged cemeteries after a declared natural disaster. However, FEMA cannot use Individual Assistance funding to pay governmental entities, groups, corporate entities, or associations that may own an impacted cemetery. Rather funeral assistance is only available to individuals who must apply to FEMA for relief for individual graves repairs. In such cases, decedents or good Samaritans agree to take on the obligation of applying to FEMA for funeral assistance and to transmit those funds to a contractor or other designee of a cemetery authority. The CRTF does not directly handle such funding, but rather monitors the claim process to ensure that the funds are paid by FEMA and then are properly used by the applicants.

Any and all funding and contracts let for the CRTF's other obligations—the documentation of storm damage and the forensic analysis of remains is exclusively managed by the Governor's Office of Homeland Security and Emergency Preparedness. In short, the CRTF exercises no control or authority over any public or private funds nor does the CRTF have any budget of its own.

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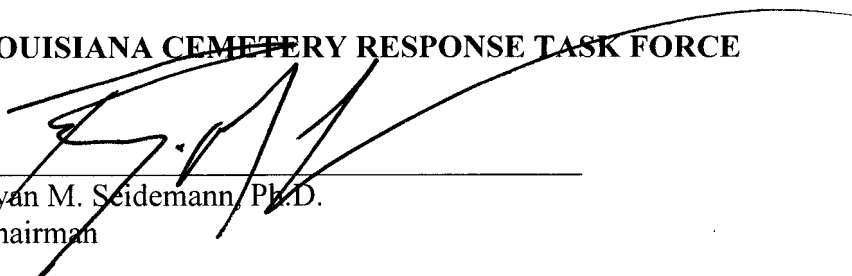
Based upon the foregoing, the CRTF respectfully requests a ruling as to its members' and designees' reporting requirements under La. R.S. 42:1124.2.1 from the Ethics Administration.

Should you have any questions about or need more information regarding the foregoing, please do not hesitate to contact me at (225) 326-6000 or seidemannr@ag.louisiana.gov.

With best regards, I am,

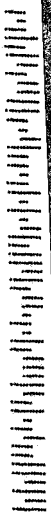
Very truly yours,

LOUISIANA CEMETERY RESPONSE TASK FORCE



Ryan M. Seidemann, Ph.D.
Chairman

RMS/



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